

C. Remarks

In the Office Action, claims 17, 98-101, 103, 125, 126, and 128 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moravvej-Farshi *et al.* ("Novel Self-Aligned Polysilicon-Gate MOSFETS with Polysilicon Source and Drain," Solid State Electronics, Vol. 30, No. 10, 1987, pp. 1053-1062) ("Moravvej-Farshi") in view of U.S. Patent No. 5,534,447 to Hong ("Hong") and in further view of U.S. Patent No. 5,693,974 to Hsu *et al.* ("Hsu"). Claim 102 stands rejected under § 103(a) as being unpatentable over Moravvej-Farshi, Hong and Hsu in view of U.S. Patent No. 6,130,482 to Iio *et al.* ("Iio"). Applicants respectfully traverse the rejections as follows.

Section 103 Rejections

Applicants have amended claim 17 to recite:

a top surface of said raised drain structure, a top surface of said raised source structure, and a top surface of said gate are positioned substantially within a common plane

Applicants submit that support for this amendment may be found throughout the specification and figures as filed, such as, for example, in Figures 1-11.

Applicants submit that a *prima facie* case of obviousness under 35 U.S.C. §103(a) requires, among other things, that the cited references, when combined, teach or suggest every element of the claim. See MPEP §2142. Applicants submit that the Office has not established a *prima facie* case of obviousness because not all elements of claim 17 are taught or suggested by the cited references.

More specifically, Applicants submit that Moravvej-Farshi, Hong, Iio, and Hsu, either alone or in combination, fail to teach or suggest, among other things, a transistor formed on a substrate assembly that comprises:

a raised drain structure;

a raised source structure;

a gate located between said source and said drain,
wherein a top surface of said raised drain structure, a top
surface of said raised source structure, and a top surface of
said gate are positioned substantially within a common
plane;

as recited in claim 17. In fact, Applicants submit that Moravvej-Farshi,
Hong, Iio, and Hsu are silent regarding the above recited features.

For at least the above reasons, Applicants submit that claim 17, as well as claims
98-103 depending therefrom, are nonobvious over the cited references, either alone or
in combination. See MPEP §2143.03 (stating that if an independent claim is nonobvious
under §103(a), then any claim depending therefrom is nonobvious). Accordingly,
Applicants respectfully request that the §103 (a) rejections of claims 17 and 98-103 be
withdrawn.

Claims 125-126 and 128

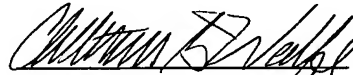
Claim 125 is directed to a transistor formed on a substrate assembly and has
been amended in a manner similar to claim 17. Therefore, for reasons analogous to
those presented above with respect to claim 17, Applicants submit that claim 125, as
well as claim 126 depending therefrom, are nonobvious over the cited references. Also,
claim 128 is directed to a transistor formed on a substrate assembly and has been
amended in a manner similar to claim 17. Therefore, for reasons analogous to those
presented above with respect to claim 17, Applicants submit that claim 128 is
nonobvious over the cited references. Applicants therefore respectfully request that the
§ 103(a) rejection of claims 125-126 and 128 be withdrawn.

D. Conclusion

Applicants respectfully request issuance of a Notice of Allowance for the subject application. If the Examiner is of the opinion that the subject application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below, in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,

Dated: 3/20/06


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